

United States District Court
for
Middle District of Tennessee

Superseding Petition for Summons for Offender Under Supervision
[Supersedes Petition Filed as Docket Entry No. 102]

Name of Offender: Stephen Suggs

Case Number: 2:02-00010-01

Name of Judicial Officer: Honorable Todd J. Campbell, U.S. District Judge

Date of Original Sentence: March 10, 2003

Original Offense: 21 U.S.C. § 841(a)(1) and (b)(1)(A) Manufacturing 500 Grams or More of
Methamphetamine

Original Sentence: 120 months' custody and five years' supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: July 10, 2010

Assistant U.S. Attorney: Hal McDonough

Defense Attorney: Dwight Scott

PETITIONING THE COURT

 X To Consider Additional Violations/Information.
 To issue a Summons.
 To issue a Warrant.

THE COURT ORDERS:

- ☐ No Action
☐ The Issuance of a Warrant:
 ☐ Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
☐ The Issuance of a Summons.
☐ Other
☒ Consideration of Additional Violations/Information.

Considered this 3 day of Oct , 2013,
and made a part of the records in the above case.



Todd J. Campbell
U.S. District Judge

I declare under penalty of perjury that the
foregoing is true and correct.
Respectfully submitted,



Amanda M. Russell
U.S. Probation Officer

Place Nashville, TN

Date October 3, 2013

ALLEGED VIOLATIONS

The information provided in the previous petition, filed as docket entry No. 102, has been amended as follows:

Violation No. 1 - has been amended to update the Court as to the dispositions on the Driving Under the Influence and Possession of Schedule IV Drugs charges.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall not commit another federal, state, or local crime.**
On May 7, 2013, Mr. Suggs was arrested by the Sparta Police Department in White County, Tennessee, for Driving Under the Influence and Possession of Schedule IV Drugs. Mr. Suggs appeared in the White County General Sessions Court on June 14, 2013, and his case was reset to July 12, 2013, to await blood alcohol test results.

On September 27, 2013, Mr. Suggs appeared in the White County General Sessions Court and pled guilty to Driving Under the Influence- 1st offense. Mr. Suggs was sentenced to time served, as he had previously served four days in custody, and placed on probation for 11 months and 29 days and fined \$350.00. Additionally, Mr. Suggs' driver's license was revoked for one year. The charge of Possession of Schedule IV Drugs was dismissed. The affidavit and judgment are attached for Your Honor's review.
2. **The defendant shall refrain from the unlawful use of a controlled substance.**
On May 16, 2013, Mr. Suggs tested positive for Oxycodone and Hydrocodone. He initially denied any recent illegal drug use, reporting his last use was the day of his arrest on May 7, 2013. After further questioning, Mr. Suggs admitted to consuming both Oxycodone and Hydrocodone on May 14, 2013. He also admitted to smoking marijuana on or about May 7, 2013, for which he did not test positive.

Compliance with Supervision Conditions and Prior Interventions:

Stephen Suggs began his term of supervised release on July 10, 2010, and is due to terminate supervision on July 9, 2015. Mr. Suggs lives in Sparta, Tennessee, and is employed with Endura Products. He also owns a landscaping business.

A report was submitted to the Court on January 7, 2011, regarding Mr. Suggs' citation for Possession of a Legend Drug, for which he later paid a \$50 fine. He was given a verbal reprimand and re-instructed to not illegally possess a controlled substance or commit another federal, state, or local crime. The Court ordered no action on January 7, 2011.

A report was submitted to the Court on May 13, 2013, regarding Mr. Suggs' pending state charges noted in this petition. He was given a verbal reprimand, again, and re-instructed to not illegally possess a controlled substance or commit another federal, state, or local crime. The Court ordered no action on May 20, 2013.


During his incarceration, Mr. Suggs completed the 500 hour Residential Drug Alcohol Program (RDAP) and the 180 day aftercare program at Centerstone Mental Health Center. Following his release from federal custody in July 2010, Mr. Suggs participated in a substance abuse assessment and complied with recommended treatment until August 2011. After his recent arrest and admission to using illegal drugs, Mr. Suggs was referred to Plateau Mental Health Center in Cookeville, Tennessee. He currently participates in weekly outpatient substance abuse treatment and increased drug testing. Mr. Suggs has incurred no further positive drug test results since May 16, 2013.

Update of Offender Characteristics:

There is no additional information relevant to this section that has not already been provided in this petition.

U.S. Probation Officer Recommendation:

It is respectfully requested that these additional violations be considered at a revocation hearing to be held before Your Honor on October 4, 2013. This matter has been reported to Assistant U.S. Attorney Hal McDonough, who concurs with the recommendation.

Approved: 
Britton Shelton
Supervisory U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. STEPHEN SUGGS, CASE NO. 2:02-00010-01

GRADE OF VIOLATION: C
CRIMINAL HISTORY: III

ORIGINAL OFFENSE DATE: POST APRIL 30, 2003 **PROTECT ACT PROVISIONS**

	<u>Statutory</u> <u>Provisions</u>	<u>Guideline</u> <u>Provisions</u>	<u>Recommended</u> <u>Sentence</u>
CUSTODY:	5 years (Class A Felony) <i>18 U.S.C. § 3583(e)(3)</i>	5-11 months <i>U.S.S.G. § 7B1.4(a)</i>	No recommendation
SUPERVISED RELEASE:	60 months less any term of imprisonment <i>18 U.S.C. § 3583(h)</i>	2-5 years <i>U.S.S.G. § 5D1.2(a)(1)</i>	No recommendation

18 U.S.C. § 3583(e)(3) allows for revocation of supervised release and requires the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on post release supervision, if the Court finds by a preponderance of the evidence that the offender violated a condition of supervised release. When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the Court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release, in accordance with 18 U.S.C. § 3583(h).

Guideline Policy Statements: Upon a finding of a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2).

Upon a finding that a defendant violated a condition of probation or supervised release by being in possession of a controlled substance, the Court is required to revoke probation or supervised release and impose a sentence that includes a term of imprisonment. U.S.S.G. § 7B1.4. (Application note 5)

Respectfully Submitted,



Amanda M. Russell
U.S. Probation Officer

Approved: 
Britton Shelton
Supervisory U.S. Probation Officer

GENERAL SESSIONS COURT OF WHITE COUNTY, TENNESSEE

State of Tennessee vs. Suggs, Stephen Edwin

State Control # 8630

White County Case # _____

Address 985 Country Club rd., Sparta, TN

Attorney for Def. _____

Court Date 05/10/2013

State, Def. to _____ at _____ am/pm
 State, Def. to _____ at _____ am/pm
 State, Def. to _____ at _____ am/pm
 State, Def. to _____ at _____ am/pm
 State, Def. to _____ at _____ am/pm

Phone _____ DL# 096137602 TN
 DOB _____ SS# _____
 Sex M Race W Ht 6' 0" Wt 180 Hair BRN Eyes GRN
 Work _____

AFFIDAVIT OF COMPLAINT

I, the affiant named below, after being sworn, state under oath that on or about 05/07/2013 in White County, Tennessee,

Suggs, Stephen Edwin committed the offense(s) of:

DRIVING UNDER THE INFLUENCE 1st TCA 55-10-401

POSSESSION OF SCHEDULE IV DRUGS TCA 39-17-412

TCA _____

I further state under oath that the essential facts constituting the offense(s), the sources of my information and the reasons why this information is believable and reliable are as follows:

On 5/7/2013 at approx. 19:25 City units were dispatched to South Young Street in reference to a motor vehicle accident. Upon arrival I came in contact with the driver [Stephen Suggs] upon speaking to Mr. Suggs I noticed that he had very slurred speech and was unsteady on his feet . Upon asking Mr. Suggs for his D.L. and registration and insurance , Mr. Suggs had a difficult time getting them for me , he kept asking me what I needed . At that time I asked Mr. Suggs if he had been drinking or taking any medication and he stated no . At that time I had Mr. Suggs perform three field sobriety test which he could not perform to standards . At that time I asked Mr. Suggs again if he had taken any medication and he stated that he took a percocet and a hydrocodone earlier in the day. I asked Mr. Suggs if he had a prescription for the meds and he stated no that the only prescription meds. that he takes is lisopril . At that time I read the implied consent to Mr. Suggs which he agreed to take , so at that time Mr. Suggs was transported to the Highlands medical Center for a B.A.C. and then to the White County justice center and charged with D.U.I. first offense. While doing an search incident to arrest and an inventory of Mr. Suggs car I also found 5 Clonazepam in a mint container , so he was also charged with Poss. Sch.IV drugs [Clonazepam] .

Affiant's Signature: Charles Sims

Name (Printed): Ptl. Charles Sims

Address (Printed): 323 East Bockman Way

Sparta, Tennessee 38583

Phone Number: (931) 836-3734

Sworn to and subscribed before me on

5-7, 2013

Horton
 Judge/Clerk/Judicial Commissioner

PROBABLE CAUSE DETERMINATION

Based on the affidavit of complaint, I find there is probable cause to believe that on the date set forth above in White County, Tennessee the defendant committed the offense(s) of violation(s) of TCA 55-10-401 39-17-412

() defendant given citation or arrested without warrant (☒) arrest warrant shall issue () criminal summons shall issue

Date 5-7-13

Judge/Clerk/Judicial Commissioner Horton

GENERAL SESSIONS COURT OF
WHITE COUNTY, TENNESSEE
Sam Benningfield, Judge

STATE OF TENNESSEE

vs.

Suggs, Stephen Edwin

Defendant

State Control #

8530

Case # GS

INFORMATION ABOUT THE DEFENDANT

Name: suggs, Stephen Edwin
Address: 965 Country Club rd., Sparta, TN
DOB: 10/14/1963 Sex m
Race: W Hair Br Eyes Gm
Weight: 180 Height 6' 0"
Phone #: DL # 056137502 TN
Place of Employment: _____

May be found at: _____

Other: _____

WITNESSES

Summon as witnesses on the part of the State:

Summon as witnesses on the part of the Defendant:

ARREST WARRANT

OFFICER'S RETURN

Miguel A. Guevara Fernandez
TO THE DEFENDANT

Warrant served by arresting
defendant today or on: _____

(X) Based on the affidavit of complaint filed in
this case, there is probable cause to believe
that you have committed the offense(s) of
violation(s) of:

- (1) T.C.A. 55-10-401
DRIVING UNDER THE INFLUENCE
(2) T.C.A. 39-17-412
POSSESSION OF SCHEDULE IV DRUGS
(3) T.C.A. _____

() Defendant has failed to appear in court or to
report to jail when required to do so.

Court date: 5-10-2013

TO ANY LAWFUL OFFICER:
You are therefore commanded in the name
of the State of Tennessee to immediately
ARREST the defendant names above and
bring the defendant to this court to answer
the charges.

Bail is set at \$ 2500.00

Conditions of Bond _____

Officer's Signature:

Charles S. Suggs

Officer's Name (Printed):

Charles S. Suggs

Officer's Agency (Printed):

Sparta Police Department

Date:

5-7-13

H. H. H. H.

Judge/Clerk/Judicial Commissioner

Date: 5-7-2013

RECEIVED

MAY 13 2013
U.S. PROSECUTION
PRETRIAL SERVICES
MIDDLE TENNESSEE

General Sessions Court Of White County, Tennessee

State of Tennessee vs. stephen edwin suggs

State Control # 8530

White County Case # 28044

Judgment

#2 ☒ Dismissed upon motion of State ☐ Dismissed after preliminary hearing ☐ Not Guilty ☐ Nolle Prosequi ☐ Pretrial/Judicial Diversion

Costs taxed to the ☐ State ☐ Prosecutor/Affiant - to be paid by _____ or appear in court that date for review.
☐ State's motion to not prosecute ☐ after preliminary hearing ☐ by agreement of affiant ☐ affiant did not appear ☐ Defendant waived extradition

Cost taxed to the Defendant - to be paid by _____ or appear in court that date for review.
☐ Costs and taxes ☐ Cost ☐ Waived (defendant indigent)

(1) Found GUILTY of violation of TCA SS-10-401 I
fined \$ 30.00, taxed with costs and taxes and sentenced to serve 11 months 25 days in the White County Jail (Class A Mid.)
☐ Concurrent to _____ ☐ Consecutive to _____

(2) Found GUILTY of violation of TCA _____
fined \$ _____, taxed with costs and taxes and sentenced to serve _____ months _____ days in the White County Jail (Class _____ Mid.)
☐ Concurrent to _____ ☐ Consecutive to _____

(3) Found GUILTY of violation of TCA _____
fined \$ _____, taxed with costs and taxes and sentenced to serve _____ months _____ days in the White County Jail (Class _____ Mid.)
☐ Concurrent to _____ ☐ Consecutive to _____

Jail sentence suspended except 48 hrs on condition of good behavior, payment of fines, costs and taxes and restitution of \$ _____
to _____ and ☐ no contact with _____ ☒ supervised probation
for 11/25 ☐ unsupervised probation for _____ ☒ not drive in Tennessee for 1 year(s)
and completion of ☒ DUI school ☒ alcohol/drug evaluation and counseling ☐ domestic abuse counseling ☐ _____ hours of community service to be
completed within _____. To report to jail to begin serving sentence no later than _____ at _____ am/pm.
Time served credit _____ ☐ Sentence may be served on consecutive weekends. Program eligibility date is 30 % of the term of
imprisonment (pursuant to TCA § 40-35-302(d)).

☐ Appealed ☐ Defendant bound over to White County Grand Jury after ☐ preliminary hearing ☐ waiving preliminary hearing and ☐ bail set in
\$ _____ ☐ Defendant shall continue on current bond of \$ _____

Other _____

See separate sentencing order.

09/27/13
Date

SC/BILU
Sam Bennett, Judge

VIOLATION WORKSHEET

1. **Defendant** Stephen Suggs
2. **Docket Number** (*Year-Sequence-Defendant No.*) 2:02-00010-01
3. **District/Office** MD/TN
4. **Original Sentence Date** 03 / 10 / 2003
month day year
5. **Original District/Office** _____
(*if different than above*)
6. **Original Docket Number** (*Year-Sequence-Defendant No.*) _____
7. **List each violation and determine the applicable grade (see §7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
Shall not commit another federal, state, or local crime.	C
Shall refrain from the unlawful use of a controlled substance.	C
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. **Most Serious Grade of Violation** (*see §7B1.1(b)*)

C

9. **Criminal History Category** (*see §7B1.4(a)*)

III

10. **Range of Imprisonment** (*see §7B1.4(a)*)

5 - 11 months

11. **Sentencing Options for Grade B and C Violations Only** (*Check the appropriate box*):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant Stephen Suggs

12. Unsatisfied Conditions of Original Sentence

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution(\$)	_____	Community Confinement	_____
Fine(\$)	_____	Home Detention	_____
Other	_____	Intermittent Confinement	_____

13. Supervised Release

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: _____ to _____ years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from _____ imprisonment:

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of Imprisonment:

15. Official Detention Adjustment (see §7B1.3(e)): _____ months _____ days

Mail documents to: United States Sentencing Commission
Ste 2-500, South Lobby, One Columbus Cir, NE
Washington, DC 20002-8002